



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo

Jerry Duncan
Sal Quintero
Daniel Ronquillo, Acting President

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, NOVEMBER 27, 2001

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. ROLL CALL

Invocation by Father Arshen Alvazian, St. Paul Armenian Church
Pledge of Allegiance to the Flag

Presentation of District 4 "Student Recognition Award" - Councilmember Castillo
Proclamation for "PHILLIP E. HAUCK" - Acting President Ronquillo
Presentation by the Fresno Area Express ADA Advisory Committee of the 3rd Quarter Driver Appreciation Awards
Resolution of Commendation to Joyce Rathbone, Volunteer at the Fresno Police Dept. - Mayor and All Councilmembers
Proclamation of "ROOSEVELT SCHOOL OF THE ARTS DAY" - Mayor and All Councilmembers

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of November 6, 2001

Action Taken:

Approve Joint Powers Financing Authority (JPFA) minutes of October 30 2001 (Members Duncan and Perea)

Action Taken:

A. **HEARING** - To consider a Disposition and Development Agreement between the Agency and Fresno Unified School District, and a summary report regarding 11.25 acres next to Computech Middle School, in the southwest Fresno General Neighborhood Renewal Area, commonly known as 2322 S. Lee (***Council and Agency action***)

Action Taken:

1. **RESOLUTION** - Approving the Disposition and Development Agreement between the Agency and Fresno Unified School District, making certain findings pursuant to Community Redevelopment Law, and authorizing staff to take certain actions and execute certain documents (***Council and Agency action***)

Action Taken:

ADJOURN AGENCY

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of November 6, and 20, 2001

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:00 A.M. Invitation by the Huntington Blvd. Association to attend the Candlelight Christmas Tree Ceremony - Councilmember Quintero

Action Taken:

9:10 A.M. Provide direction regarding the form of a restructuring agreement in connection with the City of Fresno Taxable Pension Obligation Bonds, refunding Series A, B, C, and D of 2000 (Auction Rate Bonds).

November 27, 2001

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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9:40 AM. Accept presentation by the Historic Preservation Commission of an Annual Report: "The State of Historic Preservation - 2000-2001"

Action Taken:

- 10:00 AM#1**
- a. Implementation report and presentation on Macias Group Recommendations
Action Taken:
 - b. Request for direction regarding performance auditing services for remaining City departments
Action Taken:

10:00 A.M#2 **HEARING** to consider Rezoning Application No. R-00-011 and environmental findings, filed by Richard Ginder, Jr. for real property located at 6875 N. Milburn Avenue
(Property located in District 2) (Continue to 2:15 p.m. #2)
Action Taken:

10:15 A.M. **HEARING** to consider Rezoning Application No. R-01-041 and environmental findings, filed by Horace E. Bruno for 12,512 square feet of real property located at 4537 E. Hammond Avenue *(Property located in District 4) (Continue to 2:15 p.m. #3)*
Action Taken:

10:30 A.M. **HEARING** to consider Rezoning Application No. R-01-043 and environmental findings, filed by Logan and Associates on behalf of Derrel's Mini Storage for 2.67 acres of real property located at 4660 E. Dakota Avenue *(Property located in District 4) (Continue to 2:15 p.m. #4)*
Action Taken:

10:45 A.M. **HEARING** to consider Plan Amendment Application No. A-01-24, Rezoning Application No. R-01-38, Conditional Use Permit (CUP) Application No. C-01-149 and environmental findings, filed by Logan and Associates, on behalf of Derrel's Mini Storage, for 19.6 acres located west of the northwest corner of W. Herndon and N. Hayes Avenues *(Property located in District 2) (Continue to 2:15 p.m. #5)*
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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11:00 A.M. HEARING to consider Plan Amendment Application No. A-01-20, Rezoning Application No. R-01-31 and environmental findings, filed by Country Club Developers, for 125 acres located on the south side of E. Copper Avenue between the N. Cedar and N. Millbrook Avenue alignments
(Property located in District 6)

Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-01-20/R-01-31

Action Taken:

- b. **RESOLUTION** - Amending the Woodward Park Community Plan from the agriculture/urban reserve to the medium-low density residential land use designation and re-designation of Copper Avenue between Cedar and Millbrook Avenues from the arterial to super-arterial street classification

Action Taken:

- c. **BILL** - Amending the Official Zone Map to Rezone property from AL-20 (County) (Agricultural Exclusive - 20-acre minimum) zone district to the R-1/UGM (Single-Family Residential/Urban Growth Management) zone district

Action Taken:

11:15 A.M. HEARING to consider Conditional Use Permit (CUP) Application No. 01-145, filed by Algen Hotel Development LLC, for a 15-story/400-room hotel and convention facility on the northeast corner of "M" and Inyo Streets (808 "M" Street); and Convention Center parking structure located at the southwest corner of "O" and Ventura Streets extending to Inyo Street north of the Convention Center complex
(Property located in District 3) (Continue to 2:15 p.m. #6)

Action Taken:

2:00 P.M.#1

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL -FRIEND-OF-THE-COURT-PARTICIPATION - Govt. Code Section 54954.2, Subdivision (a)

1. **Case Name:** Afford v. Superior Court - Amicus Brief

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Govt. Code Section 54956.9, subdivision (a)

1. **Case Name:** Louis Lehre, a minor, by and through his guardian Ad Litem, Cheri Lehre v. City of Fresno, et al.
2. **Case Name:** Clayton Turner v. City of Fresno, et al.
3. **Case Name:** City of Fresno v. City of Clovis, LAFCO and County of Fresno
4. **Case Name:** Bakman Water Company, Inc. v. Boeing North American, Inc.; City of Fresno; the United States of America, Department of the Army Corps of Engineers, etc.

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M.#1 CLOSED SESSION CONTINUED

- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)(1)

Significant Exposure of Litigation:

- 1. Case Name:** Claim of Estate of Campos
- 2. Case Name:** Claim of Estate of Celaya

Action Taken:

- D. CONFERENCE WITH LABOR NEGOTIATOR** - Govt. Code Section 54957.6

City Negotiators: Andrew T. Souza, Severo Esquivel and Jorge C. Aguiniga

Employee Organization(s):

- 1.** International Union of Operating Engineer, Stationary Engineers Local 39 (Local 39)
- 2.** International Brotherhood of Electrical Workers Local 100 (IBEW)

Action Taken:

- E. THREAT TO PUBLIC SERVICES OR FACILITIES** - Government Code Sections 54954.5 and 54957

Consultation with City of Fresno Police Department, Chief of Police, Jerry Dyer

Action Taken:

2:00 P.M.#2 CONTESTED CONSENT CALENDAR

- 2:15 P.M.#1 HEARING** to consider Rezoning Application No. R-01-29 and environmental findings, filed by Jeffrey Craig Harrington, on behalf of Central Community Church, for 6.98 acres of property located on the west side of N. Polk Avenue between W. Gettysburg and W. Acacia Avenue

Action Taken:

- a.** Consider and adopt the Negative Declaration for Environmental Assessment No. R-01-29

Action Taken:

- b. BILL** - Amending the Official Zone Map to Rezone from AE-5/UGM (Exclusive Five-Acre Agricultural/Urban Growth Management) and the AE-5 (Exclusive Five-Acre Agricultural) zone districts to the R-1/UGM (Single-Family Residential/Urban Growth Management) and R-1 (Single-Family Residential) zone districts

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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2:15 P.M.#2 CONTINUED HEARING to consider Rezoning Application No. R-00-011 and environmental findings, filed by Richard Ginder, Jr. for real property located at 6875 N. Milburn Avenue

(Property located in District 2)

Action Taken:

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. R-00-11

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from M-1/EA/BA-15/UGM/cz (Light Manufacturing/Express Area Overlay District/Boulevard Area, 15-foot Setback/Urban Growth Management) and C-2/EA/BZ-15/UGM/cz (Community Commercial/Express Area Overlay District/Boulevard Area, 15-Foot Setback/Urban Growth Management) zone districts to the M-1/EA/BA-15/UGM/cz and C-2/EA/BA-5/UGM/cz zone districts with minor modification to existing zoning boundary and remove condition requiring development with M-1-P (Light Industrial Park) development standards

Action Taken:

2:15 P.M.#3 CONTINUED HEARING to consider Rezoning Application No. R-01-041 and environmental findings, filed by Horace E. Bruno for 12,512 square feet of real property located at 4537 E. Hammond Avenue

(Property located in District 4)

Action Taken:

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. R-01-41

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from R-1 (Single-Family Residential) zone district to M-1 (Light Manufacturing) zone district

Action Taken:

2:15 P.M.#4 CONTINUED HEARING to consider Rezoning Application No. R-01-043 and environmental findings, filed by Logan and Associates on behalf of Derrel's Mini Storage for 2.67 acres of real property located at 4660 E. Dakota Avenue *(Property located in District 4)*

Action Taken:

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. R-01-43

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from M-1/cz (Light Manufacturing with conditions) zone district to S-L (Storage/Limited, Mini Storage Facility) zone district

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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2:15 P.M.#5 **CONTINUED HEARING** to consider Plan Amendment Application No. A-01-24, Rezoning Application No. R-01-38, and environmental findings, filed by Logan and Associates, on behalf of Derrel's Mini Storage, for 19.6 acres located west of the northwest corner of W. Herndon and N. Hayes Avenues (*Property located in District 2*)

Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-01-24/R-01-38/C01-149

Action Taken:

- b. **RESOLUTION** - Amending the Bullard Community Plan from the medium-high density residential to the office commercial use designation

Action Taken:

- c. **BILL** - Amending the Official Zone Map to Rezone property from AE-5/EA/UGM (Exclusive Five-Acre Agricultural/Expressway Area Overlay/Urban Growth Management) zone district to the S-L/EA/UGM (Storage/Limited, Mini Storage Facility/Expressway Area Overlay/Urban Growth Management) zone district

Action Taken:

2:15 P.M.#6 **CONTINUED HEARING** to consider Conditional Use Permit Application(CUP) No. 01-145, filed by Algen Hotel Development LLC, for a 15-story/400 room hotel and convention facility on the northeast corner of "M" and Inyo Streets (808 "M" Street); and Convention Center parking structure located at the southwest corner of "O" and Ventura Streets extending to Inyo Street north of the Convention Center complex (*Property located in District 3*)

Action Taken:

- a. **RESOLUTION** - Approving Conditional Use Permit No. C-01-145

Action Taken:

2:45 P.M. Appearance by Vincent J. Lavery regarding a request for a resolution calling for the end of the bombing in Afghanistan and immediate implementation of programs for feeding and housing of children in the affected region

Action Taken:

2:50 P.M. Appearance by John Davis, Business Manager for Stationery Engineers Local 39, requesting the City implement and fund California State Disability Insurance Benefits to bolster City employees' sick leave benefits

Action Taken:

2:55 P.M. Appearance by Bob Nygaard regarding funding of Osama Bin Laden's terrorist organization

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:00 P.M. Discussion regarding submitting to City Electors, at March 5, 2002 election, proposed Charter Amendment regarding voting requirements for plan adoption and plan amendments - Mayor Autry

Action Taken:

3:15 P.M. **WORKSHOP** and policy direction related to the processing of Conditional Use Permits (CUP's) governing the sale of alcohol - Development Dept.

Action Taken:

4:30 P.M. * BILL NO. B-91- (Intro. 11/6/2001) (For adoption) - Adding Section 8-134 to the Fresno Municipal Code relating to juvenile accountability - Police Dept.

Action Taken:

GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1A-1. DEPT. OF ADMINISTRATIVE SERVICES

- a.** Award a requirements contract for Portland cement - Public Works Dept.

Action Taken:

- b.** Award a requirements contract for cationic polymer - Dept. of Public Utilities

Action Taken:

1A-2. CITY ATTORNEY

1A-3. CITY CLERK'S OFFICE

1A-4. CITY COUNCIL/MAYOR'S OFFICE

- a.** Approve reappointments of William Wilder to the Consolidated Mosquito Abatement District and Richard Jordan to the Fresno Mosquito and Vector Control District - Mayor Autry

Action Taken:

1A-5. CITY MANAGER

1A-6. CONVENTION CENTER

1A-7. DEVELOPMENT DEPARTMENT

- a. **RESOLUTION** - Supporting the City of Fresno's participation in Regional Trail Planning and Implementation Partnership (Development Dept. and PR&CS)

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

1A-8. FIRE DEPARTMENT

- a. * **RESOLUTION** - 48th amendment to AAR No.2001-200 appropriating \$40,000 obtained as reimbursement of expenses related to the development of a Metropolitan Medical Response System (MMRS) (*Requires 5 affirmative vote*)

Action Taken:

1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION

1A-10 PARKS, RECREATION AND COMMUNITY SERVICES

1A-11 POLICE DEPARTMENT

- a. * **RESOLUTION** - 53rd amendment to AAR Resolution No. 2001-200 appropriating \$166,000 to acquire high technology equipment through the California Law Enforcement Equipment Purchase II (CLEEPII) Program (*Requires 5 affirmative votes*)

Action Taken:

- b. Authorize the Chief of Police to execute an agreement with the California Department of Justice to receive \$153,400 to implement a National Incident-Based Reporting System (NIBRS) Program

Action Taken:

1. * **RESOLUTION** - 54th amendment to Annual Appropriation Resolution No. 2001-200 appropriating \$153,400 for the National Incident Based Reporting System (NIBRS) Program (*Requires 5 affirmative votes*)

Action Taken:

2. * **RESOLUTION** - 6th amendment to PAR Resolution No. 2001-201 adding one (1) programmer analyst position for the National Incident Based Reporting System (NIBRS) Program

Action Taken:

- c. * **RESOLUTION** - Authorizing the Chief of Police and Labor Relations Manager to execute a side letter of agreement to the Fresno City Employees' Association (FCEA) Memorandum of Understanding (MOU) as it applies to Community Services Officers assigned to the Call Diversion Unit

Action Taken:

1A-12 PUBLIC UTILITIES DEPARTMENT

GENERAL CONSENT CALENDAR CONTINUED

1A-13 PUBLIC WORKS DEPARTMENT

- a. Adopt Resolution of Intention No. 1025-D for the vacation of the Tulare-Iowa Alley between Freeway 41 and Orchard Avenue and set the hearing for 10:00 a.m. on December 18, 2001
Action Taken:
- b. Approve agreement with California State Department of Transportation for the positive location of underground utilities
Action Taken:
- c. Approve amendment to agreement with Camp, Dresser & McKee, Inc., for environmental engineering services relating to groundwater remediation activities at the Fresno Sanitary Landfill Superfund site
Action Taken:
- d. **RESOLUTION** - Of intention to approve the Force Account Contracting Method for the installation of the traffic operations communication equipment
Action Taken:

1A-14 RETIREMENT OFFICE

1A-15 TRANSPORTATION DEPARTMENT

1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS

2. PLANNING AND ZONING ADMINISTRATION

3. GENERAL ADMINISTRATION

- A. * **BILL NO. B-87 - (Intro. 11/6/2001) - (For adoption)** - Amending Section 9-77802 of the Fresno Municipal Code relating to the sale, use, and discharge of safe and sane fireworks for the July 4th Independence Day celebration and repealing Table 7802.3A (Fire Dept.)
Action Taken:
- B. * **BILL NO. B-88 - (Intro. 11/6/2001) - (For adoption)** - Adding Section 3-112 to the Fresno Municipal Code relating to applicability of California Public Contract Code
Action Taken:
- C. Approve professional services agreement with Hansen Information Technologies to purchase asset management software and professional services for the Departments of Public Works and Public Utilities

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Direct City Manager to direct staff to install speed undulations on 9th Street between Hamilton Street and Woodward Avenue adjacent to Sequoia Middle School (Does not meet warrants) - Councilmember Quintero

Action Taken:

- B. Direction to delay the adoption of the juvenile accountability ordinance for six (6) months - Councilmember Boyajian

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Dec. 11 - 9:55 A.M. HEARING re: CFD No. 2, Annexation No. 31, Tract No. 4983
- Dec. 11 - 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 32, Tract No. 4911 and 4723
- Dec. 18 - 8:30 A.M.. RDA - Receive report and give direction regarding Zahra proposal to construct a parking garage on Agency-owned property, northeast corner of Broadway and the Mariposa Mall (Central Business District)
- Dec. 18 - 10:00 A.M. HEARING re: for the vacation of the Tulare-Iowa alley between Freeway 41 and Orchard. - R.I. 1025-D
- Dec. 18 - 10:15 A.M. HEARING re: P.A. No. A-01-23, Rezone Appl. No. R-01-37, filed by Robert Diel
- Dec. 18 - 10:15 A.M. HEARING re: P.A. No. A-01-26, Rezone Appl. No. R-01-40, filed by Sam Lucido
- Dec. 18 - 10:30 A.M. HEARING re: P.A. No. A-01-010, Rezone Appl. No. R-01-013, filed by Thanh Van Cao
- Dec. 18 - 10:45 A.M. HEARING re: CUP No. C-01-184, filed by Jeff Roberts on behalf of Granville Homes, Inc.
- Dec. 18 - 11:00 A.M. High speed rail alignment and downtown Fresno stop location vote by the High Speed Rail Authority, January 16, 2002
- Dec. 25 - NO MEETING - CHRISTMAS WEEK

Jan. 1 - NO MEETING - NEW YEAR'S WEEK

Jan. 8 - 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 33, Parcel Map No. 2000-23

Jan 8 - 10:15 A.M. HEARING RE: Rezone Appl. No. 01-036, filed by the Self-Help Enterprises, from R-3/
UGM/cz to R-1/UGM

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***